

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOAN LEE MAULDIN,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 1:05CV1094-SRW
)
 (WO)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

Plaintiff brought the present action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision by the Commissioner of Social Security denying her benefits under the Social Security Act. On April 3, 2006, pursuant to the motion of the Commissioner, this court reversed the decision of the Commissioner and remanded the case for further proceedings pursuant to sentence four of § 405(g). Plaintiff's counsel has filed an application for an award of attorneys fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A). Plaintiff's application seeks fees in the total amount of \$2,087.40 for work before this court. The Commissioner does not contest the award of fees in the amount sought by plaintiff's counsel. The court notes that the itemization submitted by plaintiff's counsel shows that she expended 13.3 hours of work, not 14.2 hours as claimed in the motion. Upon an independent review of the record, the court concludes that the position of the Commissioner in this litigation was not substantially justified and, further, that an award of \$1955.10 (13.3 hours at the requested hourly rate of \$147) is reasonable.

For the foregoing reasons, it is

ORDERED that the plaintiff's petition for attorney fees is GRANTED to the extent that plaintiff is awarded EAJA fees in the total amount of \$1,955.10, payable to plaintiff's counsel, Georgia H. Ludlum.

DONE, this 20th day of July, 2006.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE